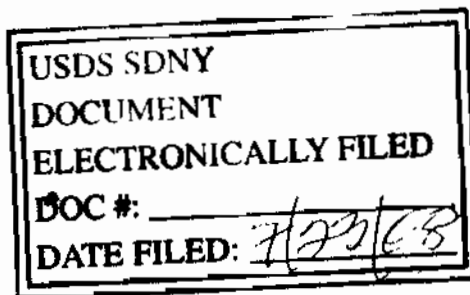


DyKEMA

MEMO ENDORSED



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VIA HAND DELIVERY

July 17, 2008

The Honorable Naomi Reice Buchwald
United States District Court
Southern District of New York
2270 United States Courthouse
500 Pearl Street
New York, NY 10007

RE:

Re: *Tombers v. Indymac*, Case No. 08 CV 5068

Dear Judge Buchwald:

We represent the defendant, Indymac Bank, F.S.B. On July 11, 2008, Indymac Bank, F.S.B. was closed by the Office of Thrift Supervision, and the FDIC was appointed receiver of the bank. By instruction of the FDIC, we have been asked to obtain an extension on all litigation deadlines so that it can gather information about the litigation and make an appropriate business decision regarding the continuation of the litigation.

Accordingly, we respectfully request a fourteen (14) day extension on the current briefing schedule for: (1) Indymac's Motion to Dismiss Plaintiff's Complaint, and (2) Plaintiff's Motion to Remand. This is the bank's first request for an extension of time with respect to these motions. We have obtained Plaintiff's counsel's consent to the extensions. Therefore, we respectfully request that the Court extend each of the current deadlines as follows:

(1) Indymac's Motion to Dismiss and Opposition to Plaintiff's Motion to Remand will now be due on August 1, 2008;

(2) Plaintiff's Opposition to Indymac's Motion to Dismiss and his Reply in Support of the Motion to Remand will now be due on August 19, 2008; and

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Hon. Naomi Reice Buchwald
July 17, 2008
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(3) Indymac's Reply in Support of its Motion to Dismiss will now be due on September 8, 2008.

Respectfully submitted,

DYKEMA GOSSETT PLLC

Handwritten signature: Rence D. Zipprich
Rence D. Zipprich

cc: All Counsel of Record

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Handwritten:
The proposed schedule
is approved.
see attached
[unclear]
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